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Report of the Special Rapporteur on the right to food on her mission to Poland: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Special Rapporteur on the right to food on her country visit to Poland from 18 to 25 April 2016.

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Report of the Special Rapporteur on the right to food on her mission to Poland: comments by the State*

Comments of the Government of Poland to the report of the Special Rapporteur

I. Introduction

1. The Government of the Republic of Poland welcomes the visit of the UN Special Rapporteur (SR) on the right to food to the Republic of Poland from 18 to 25 April 2016 and appreciates a constructive dialogue with the SR during her visit.

2. The Government of Poland welcomes the report of the Special Rapporteur. The Government takes note of the recommendations included in the report and will give due consideration to them

3. The Government of the Republic of Poland thanks the SR for the opportunity to present its comments on the report. The government of the Poland would also like to take this opportunity to provide additional information on some of the main policies regarding the realisation of the right to food in Poland.

II. Comments on the report

1. Paragraph 33

The report states that "the Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that at the end of 2014, identified numbers in Poland included around 15,741 refugees, 2,470 asylum seekers and 10,825 stateless persons".

According to data collected by the Polish authorities under different methodology and definitions related to legalization procedures for foreigners, then those used by UNHCR, numbers in Poland at the end of 2014 included around 1,408 refugees, around 3,500 beneficiaries of other forms of protection, around 2500 asylum seekers and 625 stateless persons.

Moreover, the report includes incorrect information on the location of the reception centers:

According, to the report "Poland hosts 11 reception centres for asylum seekers, which are located far from residential areas".

The reception centers for asylum seekers are located in places such as capital Warsaw as well as in other locations including provincial towns such as Białystok as well as other small towns and villages.

* The present document is being issued without formal editing.

2. Paragraphs 36-38

The government of Poland would like submit additional information that were not included in the report:

As part of the implementation of the National Health Programme for the years 2016-2020 it is planned to conduct a comprehensive epidemiological studies on diet and nutritional status of Polish society with a special focus groups (toddlers, school-aged children and adolescents, pregnant women, the elderly, persons living in units of twenty-four hour stay). Mentioned studies will also concern identification of risk factors for eating disorders, assessment of the level of physical activity, the level of nutritional knowledge and the presence of inequalities in health. This task will be carried out in the years 2017-2020.

3. Paragraph 40

The government of Poland would like to submit additional information that was not included in the report:

Currently two schemes intended to improve the distribution of agricultural products to children in educational establishments (school fruit and vegetables scheme and school milk scheme) are replaced by one single scheme introduced by Regulation (EU) 2016/791 of the European Parliament and of the Council. This change will take effect from the 2017/2018 school year. The single scheme provides for a new common framework for the European Union aid for the supply of fruit and vegetables, processed fruit and vegetable products and for the supply of milk and milk products to children in educational establishments in Poland. In accordance with Article 23(8) of Regulation (EU) No 1308/2013, Member States wishing to participate in the school scheme should draw up a strategy for its implementation. Presently the Ministry of Agriculture and Rural Development is working on mentioned strategy in cooperation with the Ministry of Health.

Furthermore, in the sentence on the number of children that participated in the fruits and vegetables programme ("In the school year 2015/2016, nearly 91 per cent of the target group (ages 6 to 9) – 1.476 million students – participated in the Programme"), the word "students" should be replaced by the word "pupils" as it concerns the school children.

4. Paragraph 41

The report suggests that the programme, „School Promoting Health" (the correct English name is "Health Promoting School") will be carried out by the Ministry of Education and the Education Development Centre. The correct version of this information on the programme should read as follows:

"In another programme, Health Promoting School, teachers are, inter alia, encouraged to eat together with students to monitor the diets of the students, including the lunches that they bring to school. The Health Promoting School programme has been implemented in Poland since 1992 and supported by the Ministry of National Education and the Education Development Centre. The Ministry of Health plans to join the initiative through the dissemination of the programme concept"

5. Paragraph 43

The report suggests that "the Keep fit" national educational programme was operated from 2006 to 2015. In the view of the Government of Poland, this part of the report should be

complemented by information on the current edition of the programme. Moreover, the number of schools and students that participated in the programme should be amended. The correct version of the paragraph would read as follows:

"A specific example of education and awareness-raising is the "Keep fit" national educational programme operated by the Chief Sanitary Inspectorate and the Polish Federation of Food Industry from 2006, covering 8,898 primary and lower secondary schools in Poland, which includes nearly 8 million students. The programme aims to promote a balanced diet and physical activity among teenagers and to educate them in how to permanently develop healthy habits, and promote an active lifestyle and balanced diet based on individual responsibility and free choice. Currently the XI edition of the "Keep fit" programme takes place"

6. Paragraph 44

The Government of Poland wishes to present additional information on this paragraph:

The Minister of Health regulated the principles of children and young people nutrition in educational establishments. The regulation prohibits the advertising of foods containing significant amounts of components critical to health, including sugar, fat and salt. The National Health Programme for the years 2016-2020 highlighted the need to reduce the marketing pressure of products not recommended for excessive consumption (directed in particular to children and adolescents). Performing this task is possible due to the cooperation between the Ministry of Culture and National Heritage, the National Council for Radio and Television, the Ministry of Health and the Chief Sanitary Inspectorate.

7. Paragraph 48

The Government of Poland would like to point out that the WHO International Code of Marketing of Breast-milk Substitutes has been partly implemented in Poland. Therefore, the paragraph should read as follows:

"In terms of the legal framework, breastfeeding is explicitly supported by the regulation of the Minister of Health of 20 September 2012 concerning the standards of conduct and medical procedures during the provision of health services in the field of prenatal care, birth, post childbirth and infant care. The regulation seeks to ensure the implementation of standardized practices to support breastfeeding in all branches of gynecology and obstetrics in Poland. The WHO International Code of Marketing of Breast-milk Substitutes (1981) which supports breastfeeding and aims at reducing the impact of advertising of milk substitutes is partially implemented by this regulation and by the Act of 25 August 2006 on food safety and nutrition".

8. Paragraph 49

Poland would like to inform that breaks for breastfeeding are not only included in the working time, but they are also paid and may be granted jointly. It needs to be stressed that also women working half-time are entitled to breaks for breastfeeding. Moreover, the report includes the incorrect information that the breaks for breastfeeding are granted only to women who work more than 4 hours during the day. The corrected paragraph should read as follows:

"The entitlements of female employees in relation to breastfeeding are defined in the Labour Code (Article 187), entitling them to two paid half-hour breaks during their

working hours if they work more than six hours per day. Women breastfeeding more than one child are entitled to two 45-minute breaks. Women who work more than 4 hours and less than 6 are entitled to one break. Breaks for breastfeeding are granted only to women who work more than 4 hours during the day. The regulations apply throughout the time if woman decides to breastfeed, without an upper age limit of the child".

Additionally, the Government of Poland wishes to present the additional information on the human milk banks. There is growing network of human milk banks in Poland. On December 30, 2016, the new tariff on guaranteed services in the field of hospital treatment was enacted. Due to the last year changes dedicated to financing from the public founds the enteral feeding with mother's milk or human milk from the bank, premature and sick babies have access to human milk. The use of breast milk for feeding premature and sick newborns protects the right of children to proper nutrition, improves the condition of the child and increases the chances for the continuation of breastfeeding.

9. Paragraph 51

The Government of Poland wishes to present the correct information on the implementation of the Baby-friendly Hospital Initiative:

"As for policy initiatives, the Ministry of Health supports the Baby-friendly Hospital Initiative, launched in 1991 by WHO and UNICEF, which aims to implement practices that protect, promote and support breastfeeding. More specifically, the objectives of the initiative are to support early initiation of breastfeeding (during the first hour after birth) and to promote exclusive breastfeeding for the first six months of life. 7 out of „10 steps to successful breastfeeding" have been implemented to the standards of perinatal and maternal care, which are in force on national level.

According to the National Health Programme for the years 2016 - 2020 there are programs dedicated to training for medical staff in hospitals, which want to participate in a child-friendly hospital initiative. The Programme also supports all activities dedicated to promotion of the International Code of Breast-milk Substitutes and supporting breastfeeding. The Baby Friendly Hospital Initiative is conducted in Poland by the non-governmental organization - the Committee of Promotion of Breastfeeding. Currently 92 hospitals in Poland have been certified as "baby-friendly".

10. Paragraph 63

The Government of Poland would like to point out that the dates for the ratifications of the enumerated acts are incorrect. Poland has ratified the Framework Convention on Climate Change on 28 July 1994 and to the Kyoto Protocol of 13 December 2002. Poland has also ratified (not only signed as it states in the report) the Paris Agreement on 7 October 2016.

11. Paragraph 70

The information on the plan of sampling for testing food should be clarified in the following manner:

"The State Sanitary Inspectorate prepares and implements a consolidated annual Sampling Plan for testing of food under official control and monitoring for the State Sanitary Inspection, which takes in to account the applicable legislation on food safety. This annual Plan covers all issues related to testing food, including pesticide residues testing".

III. Conclusion

4. In conclusion, the Government of the Republic of Poland would like to assure the SR of its continuous support for her mandate and wish to thank her again for the report on her mission to the country.